

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
CLASSIFICATION DIVISION

103 DOC 418
EARLY PAROLE CONSIDERATION

TABLE OF CONTENTS

418.01	Eligibility	2
418.02	Application Time-Frames	2
418.03	Application Process.	2
418.04	Parole Board Action	3
418.05	Denials/Time-Frames for Re-Application	4

MASSACHUSETTS DEPARTMENT OF CORRECTION	DIVISION:DEPUTY COMMISSIONER OF THE CLASSIFICATION, PROGRAMS AND REENTRY DIVISION
TITLE: EARLY PAROLE CONSIDERATION	NUMBER: 103 DOC 418

PURPOSE: The purpose of 103 DOC 418.00 is to establish policy and procedure for early parole considerations.

REFERENCES: 103 DOC 418.00 is issued pursuant to M.G.L. Ch. 124, § 1, (q); M.G.L. Ch.127, §§ 133 (b), 142; St. 1993 c. 432, and 120 CMR 200.

APPLICABILITY: Staff and also inmates eligible for parole

PUBLIC ACCESS: Yes

LOCATION: Department Central Policy File
Classification Division
Each Institution's Policy File
Each Inmate Library

RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:

Deputy Commissioner of the Classification, Programs and Reentry Division
Assistant Deputy Commissioner of Classification Superintendents

PROMUGLATION DATE: 7/14/2010 **EFFECTIVE DATE:** 8/13/10

CANCELLATION: 103 DOC 418.00 cancels all previous Department policy statements, bulletins, directives, orders, notices, rules, and regulations regarding early parole consideration which are inconsistent with this policy.

SEVERABILITY CLAUSE: If any part of 103 DOC 418.00 is for any reason held to be in excess of the authority of the

Commissioner, such decision shall not affect any other part of this policy.

418.01 Eligibility

Inmates serving a state prison sentence are eligible to apply for a special parole consideration after having served one-third (1/3) of the minimum sentence. Inmates serving two (2) or more state prison sentences to be served consecutively are eligible to apply for a special parole consideration after having served one-third (1/3) of the aggregate of the minimum terms of such sentences.

1. Mandatory Sentences - Inmates serving a mandatory sentence shall be required to serve the mandatory portion of the sentence prior to being considered for special parole consideration.
2. Crimes on Parole - Inmates serving a sentence for crime(s) committed while on Massachusetts parole are not eligible for special parole consideration.
3. Truth in Sentencing - Inmates convicted under "Truth in Sentencing" Laws for crimes committed on or after 7/1/94 are not eligible for special parole consideration.

418.02 Application Time-Frames

Inmates serving state prison sentences may apply for special parole consideration ninety (90) days prior to their one-third (1/3) date. Inmates serving reformatory sentences (MCI-Concord/MCI-Framingham) may apply for early parole consideration at any time during their sentence. However, in compliance with M.G.L. 127 § 142 when an incarcerated female is due to give birth during the term of her imprisonment, she may apply at any time with the recommendation of that facility's physician.

418.03 Application Process

1. Application - Eligible inmates shall apply for early parole consideration through their Correctional Program Officer (CPO). The CPO

shall schedule the inmate for a classification board hearing. Eligible inmates housed in out-of-state or county facilities shall apply through the sheriff, warden, master, or designee of their current facility. The sheriff, warden, master, or designee shall forward their recommendations to the Deputy Director of the County, Federal and Interstate Unit.

2. Suitability Review - The suitability of an inmate for favorable consideration shall be in accordance with Parole Board Regulations 120 CMR 200.10 and shall include, but not be limited to, the following extraordinary and compelling circumstances:

- a. Serious medical or physical condition;
- b. Exceptional achievement in a rehabilitative program;
- c. Acceptance into a community rehabilitative program;
- d. Any other reason that the Board determines is sufficiently compelling to warrant early consideration for parole release.

3. Classification Board Hearing

The Classification Board Hearing shall be conducted in accordance with 103 CMR 420 Classification.

4. Review

If approved by the Commissioner or designee, the case shall be forwarded to the Parole Board for review.

418.04 Parole Board Action

1. Early parole consideration requests, when favorably recommended by a majority of the full board, shall result only in a decision to conduct a hearing before a panel of the board.

2. Following the hearing, the full board shall consider whether to grant early consideration.
 - a. If a majority of the full board agrees to grant early consideration, the full board shall then consider the matter of the time and circumstances of release.
 - b. Where such approval is not given, early consideration shall not be allowed at that time, and the original parole eligibility date shall remain in effect.

418.05 Denials/Time-Frames for Re-Application

Inmates who are denied early consideration may reapply ninety (90) days after the date of denial.